

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Patent Application of:) Conf. No.: 8576
Felix Paul Jaecklin)
Application No.: 10/645,601) Group Art Unit: 3637
Filed: August 22, 2003) Examiner: Christine T. Cajilig
For: STUCTURE, ESPECIALLY A SLOPE-)
SUPPORTING STRUCTURE AND/OR NOISE-)
BARRIER STRUCTURE)

**DECLARATION IN SUPPORT OF APPLICANT'S REQUEST FOR
WITHDRAWAL OF THE OUTSTANDING NOTICE OF ABANDONMENT AND
REISSUANCE OF NOTICE OF INFORMAL OR NON-REPOSNIVE RCE
AMENDMENT PURPORTEDLY MAILED DECEMBER 28, 2007 OR IN THE
ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY PURSUANT TO 37 C.F.R. 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Peter N. Lalos, declare:

1. I am an attorney licensed to practice law in the District of Columbia and the Commonwealth of Virginia, registered to practice before the U.S. Patent and Trademark Office and the attorney of record with respect to the subject application.

2. Prior to February 1, 2008, I was a partner of the law firm Stevens, Davis, Miller and Mosher, hereinafter referred to as the Steven Davis Firm.

3. Since February 1, 2008, I have been a partner of the law firm Novak Druce & Quigg, hereinafter referred to as the Novak Druce Firm.

4. On January 30, 2008, the Stevens Davis firm discontinued operations and certain records of the Steven Davis Firm including the records of the above-identified application were orderly transferred to the Novak Druce Firm.

5. Prior to and for a period of time subsequent to February 1, 2009, the Stevens Davis Firm maintained a computerized docketing system attended to by a full time docketing clerk.

6. Prior to and subsequent to February 1, 2009, the Novak Druce Firm has maintained a computerized docketing system attended by a full time docketing clerk.

7. In the course of my transition from the Steven Davis Firm to the Novak Druce Firm, all records of U.S. Patent Office matters in which I had been the attorney of record, were transferred from the Steven Davis docketing system to the Novak Druce docketing system.

8. I have not been notified by either of the clerks of the docketing systems of the Steven Davis or Novak Druce Firms of the receipt of any notice of informal or non-responsive amendment purportedly mailed on December 28, 2007 in the above-identified application, and have been informed that the docketing systems of the Stevens Davis and Novak Druce Firms include no record of any such notice.

9. The Patent Office communication of April 8, 2009, providing notice of abandonment of the above-identified application is acknowledged to have been sent to and received by the Novak Druce Firm.

10. As the result of the receipt of the Patent Office communication of April 8, 2009, Art Group 3633 was contacted to report the failure to receive the aforementioned notice and Examiner Christine T. Cajilig advised that she had not sent the aforementioned notice, such notice may have been issued by her predecessor with respect to the above-identified application and no record of any such notice could be found.

11. Any delay in responding to any Patent Office communication concerning the above-identified application has been unintentional.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 8, 2009



Peter N. Lalos